

**PUBLIC SAFETY  
AND  
LEGAL ADMINISTRATION COMMITTEE**

**MINUTES**

**MARCH 9, 2010**

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, March 9, 2010 at 3:08 p.m., in Committee Room #2**. The following members were present:

**The Honorable Ivory L. Young, Jr., Chair  
The Honorable C. T. Martin  
The Honorable Joyce Sheperd  
The Honorable Yolanda Adrean  
The Honorable Keisha Lance Bottoms**

The following members were absent:

**The Honorable H. Lamar Willis, Vice-Chair  
The Honorable Natalyn M. Archibong**

Others present at the meeting were: Councilmember Michael J. Bond; Jerry Deloach, Dianne Mitchell, Robert Caput and Amber Robinson, Law Department; Assistant Chief, Peter Andresen, Deputy Chiefs Calvin Moss, Shawn Jones and Ernest Finley, Chief of Staff, Erika Shields, and Director Malachi Hull, Police Department; Deputy Chief Wilmond Meadows, Fire and Rescue; Judge Crystal Gaines; Raines Carter, City Solicitor; Rosalie Joy, Acting Public Defender; Karen Roger; Weed and Seed Office; Cristina Beamud, Atlanta Citizen Review Board; media, public and council staff.

Chairman Young called the meeting to order at 3:08 p.m. after declaring a quorum present. He then proceeded with the following order of business.

- A.    ADOPTION OF AGENDA - ADOPTED**
- B.    APPROVAL OF MINUTES - APPROVED**
- C.    RESOLUTIONS**

**Claims with favorable recommendations:**

- 10-R-0429 ( 1)    Claim of **Tomond Jack and Sharon E. Jack**, for damages alleged to have been sustained as a result of a sewer back up on October 11, 2008 at 251 West Lake Drive.    **\$4,000.00**

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**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 10-R-0430 ( 2)      Claim of **State Farm Insurance Company, as subrogee of Troy S. Levens**, for vehicular damages alleged to have been sustained from an automobile accident on October 14, 2009 at 386 Georgia Avenue, SE. **\$3,177.22**
- 10-R-0431 ( 3)      Claim of **Liberty Mutual Insurance Company, as subrogee of Gregory and Cynthia Randall**, for damages alleged to have been sustained as a result of an automobile accident on June 5, 2009 at 3747 Peachtree Road, NE. **\$3,516.19**
- 10-R-0432 ( 4)      Claim of **Nationwide Mutual Insurance Company, as subrogee of Gail Lipscomb, through its Attorney, Candage M. Boutwell Esq.**, for property damages alleged to have been sustained due to an automobile accident on July 31, 2009 at Memorial Drive, SE and Bill Kennedy Way. **\$5,740.48**
- 10-R-0433 ( 5)      Claim of **Allstate Insurance Company, as subrogee of Olivia Baratta**, for damages alleged to have been sustained as a result of a vehicular accident on November 10, 2008 at Monroe Drive and Piedmont Road. **\$9,089.66**
- 10-R-0434 ( 6)      Claim of **Gracia Asoh**, for damages alleged to have been sustained as a result of a trip and fall on an unsecured water meter lid on August 18, 2009 at 772 East Confederate Avenue, SE. **\$2,500.00**
- 10-R-0435 ( 7)      Claim of **AT&T**, for damages alleged to have been sustained as a result of a severed phone line during the repair of a water main on September 10, 2009 at 8640 Ridge Road, Fairburn, GA. **\$1,603.65**
- 10-R-0436 ( 8)      Claim of **David K. Roller, Jr.**, for damages alleged to have been sustained to a tree during the repair of a meter leak on April 24, 2008 at 3892 Wieuca Road, NE. **\$4,900.00**
- 10-R-0437 ( 9)      Claim of **Wheels, Inc.**, for vehicular damages alleged to have been sustained after driving over a pot hole on November 19, 2009 at Chattahoochee Avenue, NW & Permalume Place, NW. **\$1,484.96**

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**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 10-R-0438 (10) Claim of **Mary S. McCullough**, for bodily injuries alleged to have been sustained due to a fall on August 1, 2007 at 640 North Avenue, NE. **\$5,000.00**
- 10-R-0439 (11) Claim of **Geraldine P. Rivers**, for vehicular damages alleged to have been sustained after driving over a pot hole on November 7, 2009 at 2067 Delowe Drive, SW. **\$823.42**

**Claims with unfavorable recommendations:**

- 10-R-0440 (12) Claim of **Rodney Graham, through his attorney, Robert A. Elsner**, for damages alleged to have been sustained during an arrest on September 1, 2008 at 30 Alabama Street.
- 10-R-0441 (13) Claim of **Colvino Pierre**, for damages alleged to have been sustained as a result of driving over a pothole on January 16, 2010 at Virginia Avenue, East Point.
- 10-R-0442 (14) Claim of **Renee Watson, through her attorney, Melvin Robinson**, for damages alleged to have been sustained as a result of a trip and fall incident in an uncovered water meter on September 7, 2008 at 1494 Beecher Street.
- 10-R-0443 (15) Claim of **Blake Eiseman**, for damages alleged to have been sustained as a result of driving over a failed construction cut on October 14, 2009 at 2429 North Druid Hills.
- 10-R-0444 (16) Claim of **Jennifer L. Perritte**, for vehicular damages alleged to have been sustained from an automobile accident on May 26, 2008 on Interstate 285 & Donald Lee Hollowell Parkway, NW.
- 10-R-0445 ( 17) Claim of **Linda Cole, through her attorney, James J. Kelleher, Esq.**, for bodily injuries alleged to have been sustained from a slip and fall incident on August 15, 2009 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 10-R-0446 (18) Claim of **Danah Richardson, through her attorney, Sho Watson**, for damages alleged to have been sustained as a result of a trip and fall incident in an uncovered water meter on March 30, 2008 at 674 Boulevard Avenue.
- 10-R-0447 (19) Claim of **J. Timothy Mast**, for damages alleged to have been sustained as a result of the installation of a sidewalk on November 6, 2007 at 760 Penn Avenue.
- 10-R-0448 (20) Claim of **Tyron Clark**, for vehicular damages alleged to have been sustained after driving over a series of potholes in the roadway on February 1, 2010 at 3412 Martin Luther King Jr. Drive, SW.
- 10-R-0449 (21) Claim of **Najla Rashad-Einstein**, for damages alleged to have been sustained from a maltreatment incident from 2002 to present at an unidentified location.
- 10-R-0450 (22) Claim of **Metropolitan Atlanta Task Force for the Homeless, Inc., through its attorney, Steven G. Hall, Esq.**, for damages alleged to have been sustained from a violation of City ordinances with respect to City program certifications on July 2, 1009 at 477 Peachtree Street.
- 10-R-0451 (23) Claim of **Atlanta Federation of Musicians, through its attorney, Robert Witcher, Esq.**, for damages alleged to have been sustained from a sewer backup on January 22, 2008 at 551 Dutch Valley Road.
- 10-R-0452 (24) Claim of **Nicole Johnson, on behalf of her minor child, Breanna Johnson**, for bodily injuries alleged to have been sustained from an automobile accident on March 31, 2008 at 1622 Joseph E. Boone, NW & West Lake Avenue.
- 10-R-0453 (25) Claim of **Walter Calloway, through his attorney, Marvin s. Arrington, Jr. Esq.**, for damages alleged to have been sustained from an arrest on May 13, 2008 at 225 H. E. Holmes Drive, NW.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 10-R-0454 (26) Claim of **Timothy B. Clark**, for bodily injuries alleged to have been sustained from a shooting on July 15, 2008 at 976 Cascade Avenue, SW.
- 10-R-0455 (27) Claim of **Atlanta American Owner, LLC and Columbia Sussex Corporation, through their attorney, Douglas F. Aholt**, for damages alleged to have been sustained as a result of a water main leak between 2001 and 2008 at 160 Spring Street, NW.
- 10-R-0456 (28) Claim of **Karen DiMatties**, for damages alleged to have been sustained as a result of a water meter installation on February 24, 2009 at 869 Gilbert Street.
- 10-R-0457 (29) Claim of **Deborah Bloodsoe**, for vehicular damages alleged to have been sustained from an automobile accident on September 17, 2009 at University Avenue, SW & Pryor Road, SW.
- 10-R-0458 (30) Claim of **Nicole Johnson**, for bodily injuries alleged to have been sustained from an automobile accident on March 31, 2008 at 1622 Joseph E. Boone, NW & West Lake Avenue.
- 10-R-0459 (31) Claim of **Melissa Clark, on behalf of her son, Montellis Clark, Deceased**, for damages alleged to have been sustained from a shooting on July 15, 2008 at 976 Cascade Avenue, SW.
- 10-R-0460 (32) Claim of **Northmoor Apartments**, for damages alleged to have been sustained as a result of a sewer back up on January 15, 2008 at 690 Lindbergh Drive.
- 10-R-0461 (33) Claim of **Northmoor Apartments**, for damages alleged to have been sustained as a result of a sewer back up on February 9, 2008 at 690 Lindbergh Drive.
- 10-R-0462 (34) Claim of **Glen and Danielle Rollins, through their attorney, Jason R. Isenberg**, for damages alleged to have been sustained as a result of water discoloration on September 25, 2008 at 3053 Habersham Road.  
**(Councilmember Martin made a motion to approve Items C1-C34)**  
**FAVORABLE**

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**E. ORDINANCES FOR FIRST READING**

- 10-O-0463 ( 1)     An Ordinance by Public Safety and Legal Administration Committee to amend the 2010 Intergovernmental Grant Fund Budget, Department of the Mayor, by adding to anticipations and appropriations in the amount of \$142,000.00 from the Department of Justice Community Capacity Development Office and \$125,000.00 in matching funds from the City of Atlanta totaling \$267,000.00, for the continuation of the Weed and Seed Strategy in the English Avenue Community; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

- 10-O-0464 ( 2)     An Ordinance by Public Safety and Legal Administration Committee to amend the 2010 Intergovernmental Grant Fund Budget, Department of the Mayor, by adding to anticipations and appropriations in the amount of \$142,000.00 from the Department of Justice Community Capacity Development Office and \$125,000.00 from the City of Atlanta totaling \$267,000.00, for the continuation of the Weed and Seed Strategy in the Vine City Community ; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

- 10-O-0465 ( 3)     An Ordinance by Public Safety and Legal Administration Committee amending the 2010 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations, the amount of \$443,910.00 for Grant Funds from the White House Office of National Drug Control Policy ("White House") for the continuation of the High Intensity Drug Trafficking Area ("HIDTA") Task Force and continued disruption of drug trafficking organizations; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

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**ORDINANCES FOR FIRST READING (CONT'D)**

- 10-O-0466 ( 4)     An Ordinance by Public Safety and Legal Administration Committee to repeal Ordinance 07-O-2135 which amended Section 10-12, and repealed Sections 10-208 and 10-222 of the City of Atlanta Code of Ordinances in order to strengthen efforts to curb underage drinking by prohibiting employees and entertainers under the age of twenty-one from entering certain premises licensed for the consumption of alcohol on the premises; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**F.     RESOLUTIONS**

- 10-R-0427 ( 1)     A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the mayor's Office of Weed and Seed, to apply for and accept funding in the amount of \$150,000.00 from the U.S. Department of Justice Community Capacity Development Office, for the continuation of the Weed and Seed Strategy in the English Avenue Community; to provide for matching funds; and for other purposes.

**(Councilmember Adrean made a motion to approve.)**

**FAVORABLE**

- 10-R-0428 ( 2)     A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Bettye Ferguson V. City of Atlanta, Civil Action File Number 2009-CV-167172, Fulton County Superior Court, in the amount of \$88,500.00; authorizing said payment to be paid from Fund 1001 (General Fund) Center Number 200101 (Non Departmental) Account 5212005 (Litigation Expenses) and 1512000 (Functional Activity); Authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

**(Councilmember Adrean made a motion to approve.)**

**FAVORABLE**

**RESOLUTIONS (CONT'D)**

- 10-R-0494 ( 3)     An **Amended** Resolution by Public Safety and Legal Administration Committee authorizing the City Attorney to settle the case styled "City of College Park and Charles E. Phillips, Sr., Plaintiffs, V. City of Atlanta and Shirley Franklin, in her official capacity as Mayor of the City of Atlanta , Defendants; in the United States District Court for the Northern District of Georgia, Atlanta Division; Civil Action File No. 1: 08-CV-1464"; and for other purposes. **(Councilmember Adrean made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

**G.     PAPERS HELD IN COMMITTEE**

- 10-R-0132 ( 1)     A Resolution by Councilmember Michael J. Bond directing the City of Atlanta to apologize to the patrons and employees of the Atlanta Eagle for the alleged violations of Human and Civil Rights suffered as a result of a police raid carried out on September 10, 2009; and for other purposes. **(Held 1/12/10 for further discussion.)**

**HELD**

- 10-R-0137 ( 2)     A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. **(Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council) (Work Session held 2/3/10)**

**HELD**



**PAPERS HELD IN COMMITTEE (CONT'D)**

- 10-O-0388 ( 3)     An Ordinance by Councilmembers Michael J. Bond, H. Lamar Willis, Keisha Lance Bottoms, Aaron Watson, C. T. Martin, Ivory L. Young, Jr., Cleta Winslow, Joyce Sheperd and Kwanza Hall **as substituted by Public Safety and Legal Administration Committee** to amend Article III, ("Pawnbrokers"), of Chapter 122, ("Secondhand Goods"), of the Code of Ordinances of the City of Atlanta, Georgia, by creating a new Section 122-88 to be entitled "Location Restrictions" so as to regulate the location of Pawnshops and similar places where money is advanced on goods or other effects or merchandise of any kind is taken in pawn; and for other purposes.  
**(Councilmember Martin made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

- 10-R-0389 ( 4)     A Resolution by Councilmember Michael J. Bond **as substituted by Public Safety and Legal Administration Committee** to express the intent of the Atlanta City Council to provide that all Business License, Zoning and Variance Applications placed on the agenda of the relevant Neighborhood Planning Unit ("NPU") are also placed on the agenda of the adjacent NPU(s); to create a Task Force to recommend changes to the City of Atlanta Code of Ordinances to achieve said intent; and for other purposes.  
**(Councilmember Martin made a motion to approve on substitute on condition.)**

**FAVORABLE ON SUBSTITUTE ON CONDITION**

- 10-O-0397 ( 5)     An Ordinance by Councilmember H. Lamar Willis amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes. **(Held 2/23/10 for legal review, at the request of the Law Department.)**

**HELD**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 10-O-0399 ( 6)     An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review.)**

**HELD**

**H.     REQUESTED ITEMS**

1.     Councilmember Young and the Committee will schedule work sessions addressing the following issues:
  - a.     Police Zone and Beat Realignment (date and time TBD)  
**Note:** Pursuant to Resolution 10-R-0134, the Police Department was requested to develop and submit to the Mayor and Council, a zone and beat redesign plan by July 31, 2010.
2.     ~~b.~~     A Joint work session with Community Development/Human Resources Committee on the Public Property Vending (date and time TBD)
3.     ~~c.~~     Taxi cab drivers concerns at the Airport. (date and time TBD)

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 10-O-0399 ( 6)     An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review.)**

**HELD**

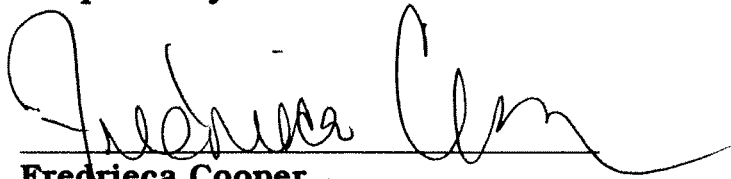
**H.     REQUESTED ITEMS**

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**There being no further business to come before the Committee, the meeting was adjourned at 4:32 p.m.**

**Respectfully Submitted:**



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**Fredriea Cooper**  
**Legislative Assistant**



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**Bernard Thomas**  
**Research and Policy Analyst**



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**The Honorable Ivory L. Young Jr., Chair**  
**Public Safety and Legal Administration Committee**